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#3-DAC-\$

PATENT

S/N 10/067,106

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Abraham R. Matthews et al.

Examiner: Unknown

Serial No.: 10/067,106

Group Art Unit: 2152

Filed: February 4, 2002

Docket: 1384.004US3

Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE  
INTERNET

**PETITION UNDER 37 C.F.R. 1.47(a)**

BOX DAC  
Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 C.F.R. 1.47(a) and 35 U.S.C. 116, second paragraph, Applicants submit this Petition seeking permission to file the above-identified application (hereinafter "the application") without the signature of the following omitted inventor who has failed to execute the application:

Sajit Bhaskaran

Last known address: 1336 Avoset Terrace, Sunnyvale, CA 94087

As set forth in more detail below, Applicants' legal representatives have made *bona fide* and diligent attempt to present the application and corresponding declaration to the omitted inventor for signature. The below-signed attorney, Thomas F. Brennan, is a patent attorney employed by the firm of Schwegman, Lundberg, Woessner & Kluth, and is representing Cosine Communications, Inc., which is an assignee and owner of the application by assignment from co-inventors Abraham R. Matthews, Lianghwa Jou, and Sachin Desai. Sajit Bhaskaran, is presently not employed by Cosine Communications, Inc., but Mr. Bhaskaran was employed by Cosine Communications, Inc. at the time the invention was made, and was under an employment obligation to cooperate in the preparation of the application and to assign the application to Cosine Communications, Inc.

Applicants authorize the petition fee of \$130.00 as set forth under 37 CFR 1.17(h) to be charged to Deposit Account No. 19-0743. If additional fees or credits should be required, please charge or credit Deposit Account No. 19-0743 in the appropriate amount.

09/17/2002 CNGUYEN 00000094 190743 10067106  
01 FC:122 130.00 CH

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Applicants believe that the Petition and attached exhibits constitute acceptable proof as to the inventor's unwillingness to cooperate, and show that reasonable efforts were attempted.

#### Pertinent Facts Regarding Omitted Inventor's Lack of Response

The non-signing inventor, Sajit Bhaskaran, was hired to invent by Cosine Communications, Inc., the assignee of the application. The application relates to a technology on which the non-signing inventor worked while being employed by Cosine Communications, Inc. Mr. Bhaskaran was still an employee of Cosine Communications at the time the original patent application (U.S. Patent Application Serial No. 09/663,486 filed September 13, 2000) was filed.

As part of regular office procedures when formal documents are not filed with a patent application, a Combined Declaration/Power of Attorney and Assignment is prepared upon receipt of a serial number from the U.S. Patent and Trademark Office. The prior (grandparent) application as filed (U.S. Patent Application Serial No. 09/663,486 filed September 13, 2000) and a letter with attached formal papers for signature were sent to Jill Bresnahan of Cosine Communications, Inc. on May 1, 2001 (Exhibit 1). The prior (parent) application as filed (U.S. Patent Application Serial No. 09/871,165 filed May 31, 2001) and a letter with attached formal papers for signature were sent via facsimile to Jill Bresnahan of Cosine Communications, Inc. on February 1, 2002 (Exhibit 2). The instant application as filed and a letter with attached formal papers for signature were sent via First Class Mail to Jill Bresnahan of Cosine Communications, Inc. on May 1, 2002 (Exhibit 3).

Rodney Lacy (a patent attorney employed by the firm of Schwegman, Lundberg, Woessner & Kluth, and also representing Cosine Communications, Inc.) received an electronic mail ("email") message (Exhibit 4) from Adriana Botto, an employee of Cosine Communications, Inc. on May 15, 2001. The email was forwarded from Sajit Bhaskaran and indicated that he would refuse to sign the formal papers until two issues were resolved. The first issue concerned citizenship and address mistakes in the formal papers. The second issue raised concerns regarding the claims as filed in connection with the prior grandparent U.S. Patent Application 09/663,486, and that those concerns were to be addressed through management of Cosine Communications, Inc. The email message indicated that Sajit Bhaskaran had properly

received the prior application as filed, and letter with attached formal papers for signature. Applicants also include an Affidavit of Rodney L. Lacy Under 37 CFR 1.47(a). The undersigned attorney received an email from Adriana Botto (assistant to Jill Bresnahan of Cosine Communications, Inc.) on February 4, 2002 indicating that Sajit Bhaskaran would still not agree to sign the formal papers in connection with the prior parent U.S. Patent Application Serial No. 09/871,165 (Exhibit 5). Subsequent telephone calls from the undersigned to Sajit Bhaskaran at his home and place of employment went unanswered. In addition, Mr. Bhaskaran did not respond to voice messages left at his place of employment. It is clear that Mr. Bhaskaran will continue to refuse to sign the formal papers for any of the above patent applications including the instant application.

Applicants submit that the foregoing facts establish a *bona fide* and diligent attempt to comply with the provisions of Rule 1.47, and accordingly requests that Applicants' Petition be granted. Moreover, a copy of the Declaration and Power of Attorney executed by the inventors Abraham R. Matthews, Lianghwa Jou, and Sachin Desai, with Sajit Bhaskaran's signature left blank is enclosed herewith (Exhibit 6). It is submitted that each joint inventor has signed on their own behalf as well as on behalf of Sajit Bhaskaran, pursuant to 409.03(a).

Respectfully submitted,

ABRAHAM R. MATTHEWS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6909

Date September 9, 2002 By Thomas F. Brennan  
Thomas F. Brennan  
Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX DAC, Commissioner of Patents, Washington, D.C. 20231, on this 9th day of September, 2002.

Anne M. Richards  
Name

Anne M. Richards  
Signature



COPY OF PAPERS  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abraham R. Matthews et al.  
Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

Docket No.: 1384.004US3  
Filed: February 4, 2002  
Examiner: Unknown

Serial No.: 10/067,106  
Due Date: September 9, 2002  
Group Art Unit: 2152

**BOX DAC**

Commissioner for Patents  
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Petition Under 37 C.F.R. 1.47(a) (3 pgs.).
- ☒ Affidavit of Rodney L. Lacy Under 37 C.F.R. 1.47(a) (2 pgs.).
- ☒ Exhibit 1 (8 pgs.).
- ☒ Exhibit 2 (10 pgs.).
- ☒ Exhibit 3 (9 pgs.).
- ☒ Exhibit 4 (4 pgs.).
- ☒ Exhibit 5 (5 pgs.).
- ☒ Exhibit 6 (8 pgs.).
- ☒ authorization to charge Deposit Account No. 19-0743 in the amount of \$130 for petition fee.

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Thomas F. Brennan  
Atty: Thomas F. Brennan  
Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX DAC, Commissioner for Patents, Washington, D.C. 20231, on this 9th day of September, 2002.

Anne M. Richards  
Name

Anne M. Richards  
Signature

**Customer Number 21186**

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(612-373-6900)

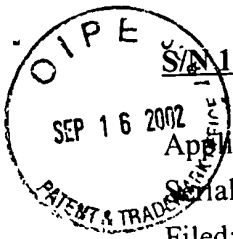
P.O. Box 2938, Minneapolis, MN 55402

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S/N 10/067,106

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Abraham R. Matthews et al.

Examiner: Unknown

Serial No.: 10/067,106

Group Art Unit: 2152

Filed: February 4, 2002

Docket: 1384.004US3

Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE  
INTERNET

**AFFIDAVIT OF RODNEY L. LACY UNDER 37 C.F.R. 1.47(a)**

BOX DAC  
Commissioner for Patents  
Washington, D.C. 20231

I, Rodney L. Lacy, state as follows:

1. I am a patent attorney for the law firm of Schwegman, Lundberg, Woessner, & Kluth, P. O. Box 2938, Minneapolis, Minnesota 55402.
2. The law firm of Schwegman, Lundberg, Woessner & Kluth, P.A. represents Cosine Communications, Inc, the assignee of the above-referenced application.
3. I received a electronic mail ("email") message (Exhibit 4) from Adriana Botto, an employee of Cosine Communications, Inc. on May 15, 2001. The email was forwarded from Sajit Bhaskaran and indicated that he would refuse to sign the formal papers until two issues were resolved. The first issue concerned citizenship and address mistakes in the formal papers. The second issue raised concerns regarding the claims as filed in connection with the prior grandparent U.S. Patent Application 09/663,486, and that those concerns were to be addressed through management of Cosine Communications, Inc.
4. The email message indicated that Sajit Bhaskaran had properly received the prior application as filed, and letter with attached formal papers for signature.

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5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

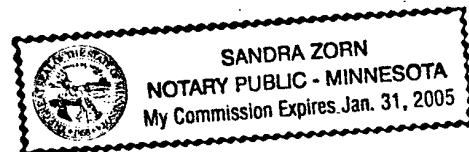
FURTHER YOUR AFFIANT SAITH NOT.

September 9, 2002  
Date

Rodney L. Lacy  
Rodney L. Lacy

Signed and sworn to before me on this 9<sup>th</sup> day of September 2002.

Sandra Zorn  
Notary Public





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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

May 1, 2001

Jill Bresnahan, Esq.  
General Counsel  
Cosine Communications, Inc.  
3200 Bridge Parkway  
Redwood City, CA 94065

EXHIBIT 1

Re: Docket # 1384.011US1  
U.S. Patent Application Serial Number: 09/663,484  
Title: SYSTEM AND METHOD FOR MANAGING ROUTER METADATA

Docket # 1384.010US1  
U.S. Patent Application Serial Number: 09/663,457  
Title: SYSTEM AND METHOD FOR MANAGING INTERWORKING  
COMMUNICATIONS PROTOCOLS

Docket # 1384.004US1  
U.S. Patent Application Serial Number: 09/663,486  
Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE  
INTERNET

Dear Ms. Bresnahan:

Enclosed are three Combined Declaration and Power of Attorney documents that must be executed to complete the filing requirements for the above-referenced patent applications. Please ask the inventors to sign and date the documents where indicated.

We have also enclosed an Assignment document for each of the applications that need to be executed by the inventors. Please note that the inventors must sign and date the Assignment documents in the presence of a Notary Public.

Please return the original set of executed documents to my attention by **May 15, 2001**. The final due date for filing these documents with the PTO is **May 31, 2001**. If the documents are not submitted by this date, the applications will go abandoned. If you have any questions regarding this matter, please contact Rodney L. Lacy at (612) 373-6954.

Very truly yours,

Andrew J. Kaul  
Case Management Assistant

Enclosures

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Patent Protection for High Technology

Intellectual Property Attorneys

1600 TCF Tower, 121 South Eighth Street, Minneapolis, Minnesota 55402  
Telephone: 612-373-6900 Fax 612-339-3061 Website: www.slwk.com



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Attorney Docket No. 1384.004US

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.**

The specification of which was filed on September 13, 2000 as application serial no. 09/663,486.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below: -

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

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SEP 20 2002

OFFICE OF PETITIONS



Attorney Docket No.: 1384.004US1  
 Serial No. 09/663,486  
 Filing Date: September 13, 2000

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Haack, John L.	Reg. No. 36,154	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Hill, Stanley K.	Reg. No. 37,548	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jurkovich, Patti J.	Reg. No. 44,813	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Leoniede M.	Reg. No. 35,832	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clark, Barbara J.	Reg. No. 38,107	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:  
**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Abraham R. Matthews**  
 Citizenship: **India** Residence: **San Jose, CA**  
 Post Office Address: **933 Willowleaf Drive**  
**Apt. 605**  
**San Jose, CA 95128**

Signature: \_\_\_\_\_

Abraham R. Matthews

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Sajit Bhaskaran**  
 Citizenship: **United States of America** Residence: **Sunnyvale, CA**  
 Post Office Address: **1336 Avoset Terrace**  
**Sunnyvale, CA 94087**

Signature: \_\_\_\_\_

Sajit Bhaskaran

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1384.004US1  
Serial No. 09/663,486  
Filing Date: September 13, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Lianghwa Jou  
Citizenship: United States of America  
Post Office Address: 1081 Oxen Road  
Incline Village, NV 89451

Residence: Incline Village, NV

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Lianghwa Jou

Full Name of inventor :  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

## ASSIGNMENT

WHEREAS, WE, Abraham R. Matthews, residing at 933 Willowleaf Drive, Apt. 605, San Jose, CA 95128, and Sajit Bhaskaran, residing at 3200 Bridge Parkway, Redwood City, CA 94065, and Lianghwa Jou, residing at 3200 Bridge Parkway, Redwood City, CA 94065, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on September 13, 2000, which application was assigned U.S. patent application serial number 09/663,486, and is entitled SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.

AND WHEREAS, CoSine Communications, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 1200 Bridge Parkway, Redwood City, CA 94065, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2001.

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

[SEAL]

**Notary Public**

IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2001.

**Sajit Bhaskaran**

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2001 before me personally appeared Sajit Bhaskaran to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

**Notary Public**

IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2001.

Lianghwa Jou

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2001 before me personally appeared Lianghwa Jou to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

**Notary Public**

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\*\*\*\*\*

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USAGE T	02'25
PGS. SENT	9
RESULT	OK

EXHIBIT 2

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, T Received from ADEMA Received from K &amp; COPY Received from IGH T ATTO Received from NEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900 Facsimile (612) 339-3061

## Fax Transmission

To: Adriana Botto  
Company: Cosine Communications, Inc.  
Fax #: 650-637-2427

From: Jason Smith  
Date: February 1, 2002  
Received: SLWK #1384.004US2

You should receive 9 page(s) including this one.  
If you do not receive all pages, please call (612) 373-6934

Matter: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

Dear Adriana:

Included are the Formal Documents that we discussed. If possible, please obtain the appropriate signatures and return them via fax at the number listed above by Monday, February 4<sup>th</sup>. If you are unable to fulfill this request, please contact Kandi Lortie at 612-371-2164 to discuss your "options", as I described in my last email. A copy of the Application can be provided upon demand.

Harmoniously,

Jason Smith  
(612) 373-6934

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH  
P A T E N T. T Received from A D E M A Received from K & C O P Y Received from I G H T A T T O Received from N E Y S

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900 Facsimile (612) 339-3061

## Fax Transmission

**To:** Adriana Botto  
**Company:** Cosine Communications, Inc.  
**Fax #:** 650-637-2427

**From:** Jason Smith  
**Date:** February 1, 2002  
**Received:** SLWK #1384.004US2

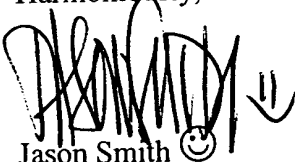
**You should receive 9 page(s) including this one.  
If you do not receive all pages, please call (612) 373-6934**

**Matter:** SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

Dear Adriana:

Included are the Formal Documents that we discussed. If possible, please obtain the appropriate signatures and return them via fax at the number listed above by Monday, February 4<sup>th</sup>. If you are unable to fulfill this request, please contact Kandi Lortie at 612-371-2164 to discuss your "options", as I described in my last email. A copy of the Application can be provided upon demand.

Harmoniously,



Jason Smith ☺  
(612) 373-6934

**This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us. If you do NOT receive all of the pages, please telephone us in the U.S.A. at (612) 373-6900 or FAX us at (612) 339-3061.**



## ASSIGNMENT

WHEREAS, WE, Abraham R. Matthews, residing at 933 Willowleaf Drive, Apt. 605, San Jose, CA 95128, and Sajit Bhaskaran, residing at 1336 Avoset Terrace, Sunnyvale, CA 94087, and Lianghwa Jou, residing at 1081 Oxen Road, Incline Village, NV 89451, and Sachin Desai, residing at 3770 Flora Vista Ave., #1705, Santa Clara, CA 95051, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on May 31, 2001, which application was assigned U.S. patent application serial number 09/871,165, and is entitled SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.

AND WHEREAS, CoSine Communications, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 1200 Bridge Parkway, Redwood City, CA 94065, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

**Notary Public**



IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Sachin Desai**

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2002 before me personally appeared Sachin Desai to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public



COPY OF PAPERS  
ORIGINALLY FILED  
SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.**

The specification of which was filed on May 31, 2001 as application serial no. 09/871,165 and was amended on May 31, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Aronoff, Marvin S.	Reg. No. 35,052	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Berdie, Raymond R.	Reg. No. P-50,769	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. 45,368
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Abraham R. Matthews**

Citizenship: **India**

Post Office Address: **933 Willowleaf Drive  
Apt. 605  
San Jose, CA 95128**

Residence: **San Jose, CA**

Signature: \_\_\_\_\_

**Abraham R. Matthews**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Sajit Bhaskaran**

Citizenship: **United States of America**

Post Office Address: **1336 Avoset Terrace  
Sunnyvale, CA 94087**

Residence: **Sunnyvale, CA**

Signature: \_\_\_\_\_

**Sajit Bhaskaran**

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1384.004US2  
Serial No. 09/871,165  
Filing Date: May 31, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : **Lianghwa Jou**  
Citizenship: **United States of America**  
Post Office Address: 1081 Oxen Road  
Incline Village, NV 89451

Residence: **Incline Village, NV**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Lianghwa Jou

Full Name of joint inventor number 4 : **Sachin Desai**  
Citizenship: **India**  
Post Office Address: 3770 Flora Vista Ave.  
#1705  
Santa Clara, CA 95051

Residence: **Santa Clara, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Sachin Desai

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.





COPY OF PAPERS  
ORIGINALY FILED

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

May 1, 2002

Jill Bresnahan, Esq.  
Senior VP and General Counsel  
Cosine Communications, Inc.  
3200 Bridge Parkway  
Redwood City, CA 94065

EXHIBIT 3

Re: Docket # 1384.004US3  
U.S. Patent Application Serial Number: 10/067,106  
Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE  
INTERNET

Dear Ms. Bresnahan:

Enclosed is a Combined Declaration and Power of Attorney document that must be executed to complete the filing requirements for the above-referenced patent application. Please ask the inventors to review the enclosed copy of the application as filed and then sign and date the document where indicated.

We have also enclosed an Assignment document to be executed by the inventors. Please note that the inventors must sign and date the Assignment document in the presence of a Notary Public.

If the inventor information is incorrect on either of the above-mentioned documents, please have the inventor(s) manually correct the errors and initial all changes.

Please return the original set of executed documents to my attention by **June 3, 2002**. The first due date for filing these documents with the PTO is **June 9, 2002**. If the documents are not submitted by this date, an extension fee will be required in order to proceed with this matter. The June 9, 2002 deadline is extendable up to five months. If you have any questions regarding this matter, please contact Thomas F. Brennan at (612) 373-6909.

Very truly yours,

Jason D. Smith  
Case Management Assistant

Enclosures

Patent Protection for High Technology

Intellectual Property Attorneys

1600 TCF Tower, 121 South Eighth Street, Minneapolis, Minnesota 55402  
Telephone: 612-373-6900 Fax: 612-339-3061 Website: www.slwk.com

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.**

The specification of which was filed on February 4, 2002 as application serial no. 10/067,106.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

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**N such claim for priority is being made at this time.**

Attorney Docket No.: 1384.004US3  
 Serial No. 10/067,106  
 Filing Date: February 4, 2002

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Haack, John L.	Reg. No. 36,154	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. 50,769	Jurkovich, Patti J.	Reg. No. 44,813	Padys, Danny J.	Reg. No. 35,635
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Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
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Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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Full Name of joint inventor number 1 : Abraham R. Matthews

Citizenship: India

Residence: San Jose, CA

Post Office Address: 933 Willowleaf Drive  
Apt. 605  
San Jose, CA 95128

Signature: \_\_\_\_\_

Abraham R. Matthews

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Sajit Bhaskaran

Citizenship: United States of America

Residence: Sunnyvale, CA

Post Office Address: 1336 Avoset Terrace  
Sunnyvale, CA 94087

Signature: \_\_\_\_\_

Sajit Bhaskaran

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1384.004US3  
Serial No. 10/067,106  
Filing Date: February 4, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : **Lianghwa Jou**  
Citizenship: **United States of America** Residence: **Incline Village, NV**  
Post Office Address: **1081 Oxen Road**  
**Incline Village, NV 89451**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Lianghwa Jou

Full Name of joint inventor number 4 : **Sachin Desai**  
Citizenship: **India** Residence: **Santa Clara, CA**  
Post Office Address: **3770 Flora Vista Ave.**  
**#1705**  
**Santa Clara, CA 95051**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Sachin Desai

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

## ASSIGNMENT

WHEREAS, WE, Abraham R. Matthews, residing at 933 Willowleaf Drive, Apt. 605, San Jose, CA 95128, and Sajit Bhaskaran, residing at 1336 Avoset Terrace, Sunnyvale, CA 94087, and Lianghwa Jou, residing at 1081 Oxen Road, Incline Village, NV 89451, and Sachin Desai, residing at 3770 Flora Vista Ave., #1705, Santa Clara, CA 95051, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on February 4, 2002, which application was assigned U.S. patent application serial number 10/067,106, and is entitled SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.

AND WHEREAS, CoSine Communications, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 1200 Bridge Parkway, Redwood City, CA 94065, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Abraham R. Matthews**

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2002 before me personally appeared Abraham R. Matthews to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

**Notary Public**

**Notary Public**





-----Original Message-----

**From:** Adriana Botto  
**Sent:** Tuesday, May 15, 2001 4:10 PM  
**To:** 'rlacy@slwk.com'  
**Cc:** Jill Bresnahan  
**Subject:** FW: Patent application - CoSine

EXHIBIT 4

Hi Rod,

It was nice speaking with you today.

As we discussed, below please find the email message sent to us by Sajit Bhaskaran regarding Docket #1384.004US1.

Following is the status of:

#1384.004US1

Abraham Matthews, Sajit Bhaskaran and Lianghwa Jou are no longer with CoSine. The documents were sent to each of them by FedEx on 5/3/01. Abbie's package was returned to us unopened, Sajit responded to us by email below and we have not yet received a response from Lianghwa.

#1384.010US1

We have not yet received Nara Rajagopalan's signed/notarized documents. As I mentioned, we no longer have a notary on sight and so the delay may just be one of logistics. I will follow up with Nara.

#1384.011US1

We have received Manojit Sarkar's signed/notarized documents.

On a related note, for future documents requiring notarization, can you please include the CA all purpose acknowledgment language on the documents? Please advise if you would like me to send it to you.

Please feel free to contact me if I can be of further assistance.

Thanks and regards,  
Adriana

\*\*\*\*\*  
**Adriana M. Botto**  
**Corporate Paralegal**  
**e-mail: Adriana.Botto@cosinecom.com**

CoSine Communications, Inc.  
3200 Bridge Parkway

Redwood City, CA 94065

tel: (650) 628-4606

fax: (650) 637-2427

www.cosinecom.com

\*\*\*\*\*

The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form, is strictly prohibited. If you have received this message in error, please immediately notify the sender and/or CoSine Communications, Inc. by telephone at (650) 637-4777 and delete or destroy any copy of this message.

-----Original Message-----

From: Adriana Botto

Sent: Friday, May 04, 2001 11:40 AM

To: Jill Bresnahan

Subject: FW: Patent application - CoSine

Importance: High

Per my previous email.

Adriana

-----Original Message-----

From: Sajit Bhaskaran [<mailto:sajit@aspen-networks.com>]

Sent: Friday, May 04, 2001 11:26 AM

To: Adriana Botto

Cc: [sajit@mindspring.com](mailto:sajit@mindspring.com); [sajit@aspen-networks.com](mailto:sajit@aspen-networks.com)

Subject: Patent application - CoSine

Dear Adriana

[Please pass this on to:

a. Patent attorney for Cosine

b. the Chief Technology Officer, VP of Engineering or person who made the judgement that this patent application should be filed ]

I just received your fedex.

There are some issues.

1. The minor ones, important though:

A. my citizenship: Republic of Singapore (I am not a US citizen)

B. my address should be

1336 Avoset Terrace, Sunnyvale CA 94087 - it is incorrectly listed on the application.

These need to be corrected before I can sign the document.

## 2. Main issue

As one of the joint inventors, according to the current wording in the doc, I have to make some claims that I am the first to invent this. Having scanned the claims I cannot in good faith sign this document in its current form, as I am aware of at least 2 other products which did implement frame over IP, and these products were sold on the market even before CoSine as a company existed. They were never patented, as far as I am aware.

At the time when I was working for CoSine as an employee, and did this work which is the subject of the patent, no one had seriously discussed the issue of patentability, [or possibly there were discussions that I was not privy to] and I must say I am rather surprised at this filing. Please note that THERE MAY VERY POSSIBLY BE SOME PATENTABLE MATERIAL in the work we did for frame-to-IPSEC interworking; however I did not find anything in the wording of the current claims that reflected this.

It needs to be understood that as a rule:

a. simply implementing an existing packet protocol X over IP is not patentable [and merely the attempt to do so may prove embarrassing for CoSine in the Internet engineering community] . Witness the example of SNA over IP, work I had been involved with in 1992. Many technical issues were solved, but they were not patentable and the parties at the time included IBM, and Cisco, companies that are historically noted for being aggressive on patents.

b. simply protecting a new packet protocol, running over IP, with IPSEC security, is not patentable. The IETF invented IPSEC to as a form of security protection to apply to all protocols over IP.

The claims, as currently worded, are rather bald facedly stating the above, essentially, and as such I cannot sign them.

I would be happy to assist to get these issues fixed, if engineering management is still of the opinion that it wants to give this a shot. There may possibly be other more substantial claims that can be made

the work we did, than the ones I am seeing here. Typically, this is a CTO's judgement call.

Regards

Sajit Bhaskaran

contact info

email: 2 addresses above

work tel 408 492 1088 ext 103

home tel: 408 732 4535

EXHIBIT 5

-----Original Message-----

**From:** Adriana Botto  
**Sent:** Monday, February 04, 2002 2:11 PM  
**To:** Jill Bresnahan  
**Cc:** Tom Brennan (E-mail)  
**Subject:** FW: Patent application - CoSine  
**Sensitivity:** Confidential

Jill,

According to Sajit Bhaskaran, these issues (bottom email) are still pending and until they are resolved, he will not sign the current pending filing (1384.004US2 - System and Protocol for Frame Relay Service Over the Internet).

Adriana

-----Original Message-----

**From:** Adriana Botto  
**Sent:** Tuesday, May 15, 2001 4:10 PM  
**To:** 'rlacy@slwk.com'  
**Cc:** Jill Bresnahan  
**Subject:** FW: Patent application - CoSine

Hi Rod,

It was nice speaking with you today.

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Following is the status of:

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Abraham Matthews, Sajit Bhaskaran and Lianghwa Jou are no longer with CoSine. The documents were sent to each of them by FedEx on 5/3/01. Abbie's package was returned to us unopened, Sajit responded to us by email below and we have not yet received a response from Lianghwa.

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We have not yet received Nara Rajagopalan's signed/notarized documents. As I mentioned, we no longer have a notary on sight and so the delay may just be one of logistics. I will follow up with Nara.

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We have received Manojit Sarkar's signed/notarized documents.

On a related note, for future documents requiring notarization, can you please include the CA all purpose acknowledgment language on the documents? Please advise if you would like me to send it to you.

Please feel free to contact me if I can be of further assistance.

Thanks and regards,  
Adriana

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**Adriana M. Botto**  
**Corporate Paralegal**  
**e-mail: Adriana.Botto@cosinecom.com**

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To: Jill Bresnahan

Subject: FW: Patent application - CoSine

Importance: High

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Sent: Friday, May 04, 2001 11:26 AM

To: Adriana Botto

Cc: [sajit@mindspring.com](mailto:sajit@mindspring.com); [sajit@aspen-networks.com](mailto:sajit@aspen-networks.com)

Subject: Patent application - CoSine

Dear Adriana

[Please pass this on to:

- a. Patent attorney for Cosine
- b. the Chief Technology Officer, VP of Engineering or person who made the judgement that this patent application should be filed ]

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the work we did, than the ones I am seeing here. Typically, this is a CTO's judgement call.

Regards

Sajit Bhaskaran

contact info

email: 2 addresses above

work tel 408 492 1088 ext 103

home tel: 408 732 4535

EXHIBIT 6

Attorney Docket No.1384.004US3

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEY

**COPY**  
**ORIGINAL**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.**

The specification of which was filed on February 4, 2002 as application serial no. 10/067,106.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

Attorney Docket No.: 1384.004US3  
 Serial No. 10/067,106  
 Filing Date: February 4, 2002

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Haack, John L.	Reg. No. 36,154	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. 50,769	Jurkovich, Patti J.	Reg. No. 44,813	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	LeMoine, Dana B.	Reg. No. 40,062	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Abraham R. Matthews**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **933 Willowleaf Drive**

**Apt. 605**

**San Jose, CA 95128**

Signature: \_\_\_\_\_

**Abraham R. Matthews**

Date: \_\_\_\_\_

*May 30, 2002*

Full Name of joint inventor number 2 : **Sajit Bhaskaran**

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: **1336 Avoset Terrace**

**Sunnyvale, CA 94087**

Signature: \_\_\_\_\_

**Sajit Bhaskaran**

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1384.004US3  
Serial No. 10/067,106  
Filing Date: February 4, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : **Lianghwa Jou**  
Citizenship: **United States of America** Residence: **Incline Village, NV**  
Post Office Address: 1081 Oxen Road  
Incline Village, NV 89451

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Lianghwa Jou

Full Name of joint inventor number 4 : **Sachin Desai**  
Citizenship: **India** Residence: **Santa Clara, CA**  
Post Office Address: 3770 Flora Vista Ave.  
#1705  
Santa Clara, CA 95051

Signature: Sachin Desai \_\_\_\_\_ Date: 05/28/2002  
Sachin Desai

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

ORIGINAL

Agency Docket No. 1384.004US3

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET.**

The specification of which was filed on February 4, 2002 as application serial no. 10/067,106.

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I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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Aronoff, Marvin S.	Reg. No. 35,052	Haack, John L.	Reg. No. 36,154	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. 50,769	Jurkovich, Patti J.	Reg. No. 44,813	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney J.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	LeMoine, Dana B.	Reg. No. 40,062	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Abraham R. Matthews**

Full Name of joint inventor number 2 : **Sajit Bhaskaran**  
 Citizenship: **United States of America** Residence: **Sunnyvale, CA**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Sajit Bhaskaran**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.



Attorney Docket No.: 1384.004US3  
Serial No. 10/067,106  
Filing Date: February 4, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Lianghwa Jou

Date: \_\_\_\_\_

May 31, 2002

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Signature: \_\_\_\_\_

Sachin Desai

Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings or all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.